

Parental Involvement Statutes June 23, 2003

State	Version	Definition of Minor	Court Action	Not in effect	In effect
Alabama Ala. Code §26-21-2 et seq. (West 1999)	one parent consent or judicial bypass	under 18	Ex Parte Anonymous, 531 So. 2d 901 (Ala. 1988)		W
Alaska Ak. St. §18.16.010 et seq. (West 1999)	one parent consent or judicial bypass	under 17	State v. Planned Parenthood, 35 P.3d 30 (Alaska 2001). Trial court's ruling that consent law violated the state constitution was reversed by Alaska Supreme Court, and the case was remanded for a trial on the merits.	W	
Arizona Ariz. Rev. Stat. Ann. §36-2152 (West 1999)	one parent consent or judicial bypass	under 18	Planned Parenthood of Southern Arizona v. Lawall, No. 01-16799. 9 th Circuit dismissed all final requests to block law. The law went into effect March 4, 2003.		W
Arkansas Ar. Code Ann. §20-16-801 et seq. (West 1999)	two parent notice or judicial bypass	under 18			W
California Cal. Health & Safety Code §123450 (West 1999)	one parent consent or judicial bypass	under 18	American Academy of Pediatrics v. Lungren, 940 P.2d 797 (Cal. 1997)	W	

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Colorado Co. Rev. Stat. §12-37.5-101 et seq. (West 1999)	two parent notice or judicial bypass	under 18	Planned Parenthood of the Rocky Mountains Servs. Corp. v. Owens, 287 F.3d 910 (10 th Cir. 2002) 10 th Cir. Has affirmed the trial court's ruling of unconstitutionality.	W	
Connecticut ¹ Conn. Gen. Stat. Ann. §19A-601 (West 1999)	abortionist consent statute	under 16		n/a	n/a
Delaware Del. Code Ann. Tit. 24 §1780 et seq. (West 1999)	ineffective statutes one parent notice, grand parent or licensed mental health care professional	under 16		n/a	n/a
Florida Fla. Stat. Ann. §390.01115 (West 1999)	one parent notice or judicial bypass		The intermediate appellate court found the statute constitutional. North Florida Woman's Health and Counseling Services, Inc. v. State, WL 111037 (Fla. App. 1 Dist. 2001) Enforcement is stayed pending a decision from Fla. Supreme Court. All briefs are before the court and oral argument has been heard. 799 So.2d 218 (Fla. 2001)	W	

¹Abortionist is to "discuss the possibility of involving the minor's parents, guardian or other adult family members ... and whether the minor believes that involvement would be in the minor's best interest."

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Georgia Ga. Code Ann. §15-11-111 et seq. (West 1999)	one parent notice or person standing in loco parentis notice or judicial bypass	under 18	Planned Parenthood Ass'n of the Atlanta Area v. Miller, 934 F.2d 1462 (11th Cir. 1991)		W
Hawaii	No law		n/a	n/a	n/a
Idaho Idaho Code Ann. §§18-601, -609A, -614	one parent consent or judicial bypass	under 18	Planned Parenthood of Idaho, Inc. v. Lance, No. CIV 00-0353-S-MHW (D. Idaho Mar. 8, 2002) ** Portions of this law have been blocked, pending resolution of a legal challenge		W
Illinois 750 ILCS 70/1 et seq. (West 1999)	ineffective statute² notice to adult family member	under 18	Zbaraz v. Ryan, No. 84 C 771 (N.D. Ill. Feb. 9, 1996)	n/a	n/a
Indiana Ind. Code. Ann. §16-18-2-267, §16-34-2-4 (West 1999)	one parent consent or judicial bypass	under 18			W
Iowa Iowa Code §135L.1 et seq. (West 1999)	one parent notice or grandparent or judicial bypass	under 18	Planned Parenthood of Greater Iowa, Inc. v. Miller, No. 4-96-CV-10877 (S.D. Iowa Oct. 16, 1997)		W
Kansas³ Kan. Stat. Ann. §65-6705 (West 1999)	abortionist consent statute	under 18		n/a	n/a

² “Adult family member” means a person over 21 years of age who is the parent, grandparent, step-parent living in the household or legal guardian.

³ A counselor shall discuss the possibility of involving the minor’s parent or parents, other adult family members or guardian.

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Kentucky Ky. Rev. Stat. Ann. §311.732 (West 1999)	one parent consent or judicial bypass	under 18			W
Louisiana La. Rev. Stat. Ann. §40:1299.35.1 et seq. (West 1999)	one parent consent or judicial bypass	under 18	Causeway Medical Suite v. Ieyoub, 109 F.3d 1096 (5th Cir. 1997). Cert denied, 522 U.S. 943 (1997); Causeway Medical Suite v. Ieyoub, No. Civ. A. 95-2164 (E.D. La. Aug. 17, 1999)		W
Maine ⁴ 22 M.R.S.A. §1597-a (West 1999)	abortionist consent statute	under 18		n/a	n/a
Maryland ⁵ Md. Code Ann. Health-Gen. §20-103 (West 1999)	abortionist consent statute	under 18		n/a	n/a
Massachusetts Mass. Gen. Laws. Ch. 112, §12S (West 1999)	one parent consent or judicial bypass	under 18	Planned Parenthood League of Massachusetts, Inc. v. Attorney General, 677 N.E.2d 101 (Mass. 1997)		W
Michigan Mich. Stat. Ann. §722.901 et seq. (West 1999)	one parent consent or judicial bypass	under 18	Planned Parenthood of Mid-Michigan, Inc. v. Attorney General, No. D 91-0571 AZ (Mich. Cir. Ct., Kalamazoo Cty. Apr. 29, 1994)		W

⁴ A counselor may discuss the possibility of involving the minor's parent, parents, or to her adult family member.

⁵ The abortionist may waive parental notice if in his "professional judgment 1) Notice to the parent or guardian may lead to physical or emotional abuse of the minor; 2) The minor is mature and capable of giving informed consent to an abortion; or 3) Notification would not be in the best interest of the minor". [emphasis added]

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Minnesota Minn. Stat. Ann. §§645.452, 144.343 (West 1999)	two parent notice or judicial bypass	under 18	Hodgson v. Minnesota, 497 U.S. 417 (1990)		W
Mississippi Miss. Code Ann. §41-41-51 et seq. (West 1999)	two parent consent or judicial bypass	under 18	Barnes v. Mississippi, 992 F.2d 1335 (5th Cir.), cert denied, 510 U.S. 976 (1993) Pro-Choice Mississippi v. Fordice, 716 So. 2d 645 (miss. 1998)		W
Missouri Mo. Rev. Stat. §§188.015, 188.028 (West 1999)	one parent consent or judicial bypass	under 18	Planned Parenthood Ass'n of Kansas City, Missouri v. Ashcroft, 462 U.S. 476 (1983)		W
Montana Mont. Code Ann. §50-20-202 et seq. (West 1999)	one parent notice or judicial bypass	under 18	Wicklund v. State, No. ADV-97-671 (Mont. Dist. Ct. Feb. 25, 1999)	W	
Nebraska Neb. Rev. Stat. §71-6901 et seq. (West 1999)	one parent notice or judicial bypass	under 18	In re of Anonymous 1, 558 N.W.2d 784 (Neb. 1997)		W
Nevada Nev. Rev. Stat. §442.255 et seq. (West 1999)	one parent notice or judicial bypass	under 18	Glick v. McKay, 937 F.2d 434 (9th Cir. 1991)	W	
New Hampshire: N.H. Stat. Ann. §§132.25, 132.26	one parent notice with judicial bypass	under 18		W in effect 12-31-03	Takes effect Dec. 31, 2003
New Jersey NJ Stat. Ann. §9:17A-1et seq. (West)	one parent notice or judicial bypass	under 18	Planned Parenthood of Central New Jersey v. Farmer, 762 A. 2d 620 (N.J. Aug. 15, 2000)	W	
New Mexico NM. Stat. Ann. §30-5-1(C)	one parent consent no bypass	under 18	Op. Att'y Gen. No. 90-19 (Oct. 3, 1990)	W	

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New York	No Law		n/a	n/a	n/a
North Carolina N.C. Gen. Stat. §90-21.6 et seq. (West 1999)	one parent consent or custodial grand parent or judicial bypass	under 18	Manning v. Hunt, 119 F.3d 254 (4th Cir. 1997)		W
North Dakota N.D. Cent. Code §14-02.1-03.1 (West 1999)	two parent consent or judicial bypass	under 18			W
Ohio OH Stat. §§2919.121, - 122 (West 1999)	one parent consent or judicial bypass	under 18	Cincinnati Women's Services v. Voinovich, (No. C-1-98-289 (S.D. Ohio Apr. 19, 1998)	W	
Ohio ⁶ [§2919.12] (prior to July 1, 1996)	ineffective statute notice to parent, grandparent, step-parent or adult sibling over the age of 21	under 18	Ohio v. Akron Center for Reproductive Health, 497 U.S. 502 (1990)	n/a	n/a
Oklahoma	NO LAW		n/a	n/a	n/a
Oregon	NO LAW		n/a	n/a	n/a
Pennsylvania PA. Stat. Ann. Tit. 18 §§3203, 3206 (West 1999)	one parent consent or person standing in loco parentis consent or judicial bypass	under 18	Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833 (1992)		W
Rhode Island R.I. Gen. Laws §23-4.7 - 6, - 7 (West 1999)	one parent consent or judicial bypass	under 18			W

⁶A revised law that requires parental consent is currently not in effect; meanwhile, the notification requirements remain enforced.

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South Carolina S.C. Code Laws Ann. §44-41-10, - 30 - 37 (West 1999)	one parent consent or grandparent or person standing in loco parentis consent judicial bypass	under 17			W
South Dakota S.D. Code Laws Ann. §§26-1-1, 34- 23A-1,-7 (West 1999)	one parent notice or judicial bypass	under 18			W
Tennessee Tenn. Code Ann. §37-10-302 et seq. (West 1999)	one parent consent or judicial bypass	under 18	Memphis Planned Parenthood, Inc. v. Sundquist, 175 F.3d 456 (6th Cir. 1999) Memphis Planned Parenthood, Inc. v. Sundquist, 2 F. Supp. 2d 997 (M.D. Tenn. 1997)		W
Texas Tex. Fam. Code Ann. §33.001 et seq. (West 1999)	one parent notice or judicial bypass	under 18			W
Utah ⁷ Utah Code Ann. §76-7-301, -304, - 315, -317 (West 1999)	ineffective statute	under 18	H.L. v. Matheson, 604 P.2d 907 (Utah 1979), aff'd. 450 U.S. 398 (1981)	n/a	n/a
Vermont	No Law		n/a	n/a	n/a

⁷ Law contains ineffective language “notify, if possible, the parents or guardian of the woman upon whom the abortion is to be performed.”

State	Version	Definition of Minor	Court Action	Not in effect	In effect
Virginia Va. Code Ann. §16.1-241 (V) (West 1999)	one parent notice or person standing in loco parentis notice or judicial bypass	under 18	Planned Parenthood of the Blue Ridge v. Cambos, 155 F.3d 352 (4th Cir. 1998) (en banc), cert. Denied, 525 U.S. 1140 (1999)		W
Virginia Va. Code Ann. §16.1-241 (V) (2003)	one parent consent or person standing in loco parentis consent judicial bypass	under 18	Passed General Assembly and became law after General Assembly rejected unacceptable and weakening amendments proposed by Governor Warner.	W Takes effect July 1, 2003	Takes effect July 1, 2003
Washington	NO LAW		n/a	n/a	n/a
West Virginia ⁸ W.Va. Code §16-2F-1 et seq. (West 1999)	abortionist consent statute	under 18		n/a	n/a
Wisconsin ⁹ Wis. Stat. Ann. §§46.24, 48.375 (West 1999)	ineffective statute one parent consent or adult family member	under 18		n/a	n/a
Wyoming Wyo. Stat. §§35-6-101, 35-6-118 (West 1999)	one parent consent or judicial bypass	under 18			W

⁸ The parental notification may be waived by a physician , other than the physician who is to perform the abortion, if such other physician finds that the minor is mature enough to make the abortion decision independently or that notification would be in the minor’s best interest .

⁹ “Adult family member” means any of the following who is at least 25 years of age: grandparent, aunt, uncle, sister or brother.

State	Version	Definition of Minor	Court Action	Not in effect	In effect
T O T A L S	14 effective parental notification laws. 22 effective parental consent laws			6 notice laws. 5 consent laws	8 notice laws. 17 consent laws.

TOTAL PARENTAL INVOLVEMENT LAWS IN EFFECT: 25

****The state laws that are described as “abortionist consent statute” or as an “ineffective statute” are seriously flawed and are mentioned for informational purposes only. Those states are not included in the total number of parental involvement laws.**